

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 9, 1948
10:40 A. M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present: Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

E. L. Williams came before the Council and requested an extension of the sanitary sewer line to his tourist courts in the 7400 block of Georgetown Road. The matter was referred to the City Manager for consideration.

Garnett Evans, President-General Manager, and Bruce Bledsoe, Attorney, of the Tanner-Evans Corporation, came before the Council and submitted a renewal of their proposal of February 19, 1948, to install waiting benches at bus stops in the City, stating that the benches could be installed without delay, and, further, that they would agree to limiting the franchise to a period of ten years and to restrict same to commercial property, if the City Council so desired. The matter was taken under advisement for further consideration at the regular meeting of October 14.

The public hearing on the application of L. L. McCandless and Stanford Payne to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District:

- (1) A triangular tract of land containing 1.37 acres and being located at the intersection of Old Burnet Road and new Highway No. 29, being between the said two highways, in the City of Austin, Travis County,

Texas.

- (2) A strip of land facing on Burnet Road and extending from the south boundary line of Block B of Burnet Heights south to the present "C" Commercial Zone at the northeast corner of Koenig Lane and Burnet Road, being approximately the west half of the tract of land lying between Laird Drive and Burnet Road, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appearing to protest the change, Councilman Glass moved that the action of the Board of Adjustment be sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

The public hearing on the application of S. T. Wells, by W.W.Patterson, to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District:

The south 52 feet of Lot 4 and the north 75 feet of Lot 5, Block "V", Ridgetop Fourth Addition, being located in the 4600 block on the west side of East Avenue, in the City of Austin, Travis County, Texas,

was duly opened.

The following appeared for the change:

W. W. Patterson, representing S. T. Wells, applicant, who plead for the change on the grounds that all of the property along there will be commercial property as soon as the highway is completed, and that same would be undesirable as residential property on account of the heavy traffic that will be on the highway.

Mrs. Wright, who stated that her property is 178 feet north of this property and that she is in favor of the change in zoning.

The following appeared against the change:

A property owner (name not given) protested the change on the grounds that as a newcomer to Austin he bought his home there knowing it to be a residential section, and invested everything he has in this home; that he does not want a tourist court or filling station in his back yard, and that all the property owners in the area signed a petition opposing the change.

C. N. Avery, Jr., representing his father, C. N. Avery, stated that he protested the change and that there were some 100 persons who had signed a petition opposing the change.

Further consideration of the above change in zoning was postponed pending recommendations to be submitted by the Board of Adjustment and the City Plan Commission regarding zoning of areas around airports; and the protestants were advised that they would be notified when the matter comes up again.

The public hearing on the proposal of the Board of Adjustment and the City Council to amend the Zoning Ordinance of the City of Austin in several particulars fully set forth in the notice of hearing duly advertised, was opened.

No property owner or other interested person appeared to protest the proposed amendments; and the hearing was continued to the next regular meeting.

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Ada Turner has made application in writing for permission to permit a sanatorium or home for aged people on Lots 5 and 6, Fischer Addition, Outlot 23, Division C, in the City of Austin, Travis County, Texas, the same being on the east side of Cole Street and locally known as 2909 Cole Street, and is located in a "B" Residence District, which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the operation of a sanatorium or home for aged people be granted to Mrs. Ada Turner with the following conditions:

1. That no mental or psychiatric patients be housed in such sanatorium or home for aged people.

2. That before the operation of such use, a permit must first be secured from the City Health Officer as required under the provisions of an Ordinance governing convalescent homes.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller; Councilman Bartholomew.
Noes : None

Councilman Bartholomew offered the following resolution:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the waiver of removal requirements of Section 313 of the Lanham Act (Public Law 849, 76th Congress, as amended) with respect to Project Tex. V-41791 of Tillotson College is hereby specifically approved in accordance with Public Law 796, 80th Congress.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

A written request from Horace H. Shelton, asking that the City set aside a site in Memorial Park Cemetery as a burial ground for honorably discharged soldiers of all wars, and that a flag pole be erected in the center of said site and be kept flying during regulation hours, was received. The matter was taken under advisement.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in ST. JOHNS AVENUE, from a point 317 feet west of Grover Avenue westerly 583 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said St. Johns Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in INGLEWOOD STREET, from a point 96 feet east of Manlove Street westerly 104 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Inglewood Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in MANLOVE STREET, from Inglewood Street northerly 209 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Manlove Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in AVENUE G, from a point 216 feet north of East 54th Street northerly 648 feet, the centerline of which gas main shall be 14 feet west of and parallel to the east property line of said Avenue G.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in NORTHUMBERLAND ROAD, from a point 291 feet east of Hartford Road easterly 395 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Northumberland Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in LUPINE LANE, from a point 175 feet west of Summit Street westerly 79 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Lupine Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in PERRY LANE, from a point 98 feet south of Crestway Drive northerly 104 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Perry Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (8) A gas main in AVENUE F, from a point 213 feet north of East 55th Street northerly 45 feet, the centerline of which gas main shall be 12 feet west of and parallel to the east property line of said Avenue F.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (9) A gas main in BREEZE TERRACE, from a point 277 feet north of East 32nd Street northerly 75 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Breeze Terrace.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (10) A gas main in EAST 42ND STREET, from a point 27 feet west of Peck Avenue easterly 20 feet, the centerline of which gas main shall be 21 feet south of and parallel to the north property line of said East 42nd Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (11) A gas main in PECK AVENUE, from East 42nd Street southerly 85 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Peck Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (12) A gas main in NEW YORK AVENUE, from a point 177 feet west of Coletto Street westerly 55 feet, the centerline of which gas main shall be 13.5 feet south of and parallel to the north property line of said New York Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Mayor Miller offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Ella N. Wooten, surviving wife of the late Dr. Goodall H. Wooten, in consideration of the affection she holds for the people of the City of Austin and in memory of her husband who also had a deep affection for the City of Austin and its people, has executed a deed conveying to the City 1.90 acres of land in the neighborhood of San Gabriel Street and West 26th Street for the use by the City of Austin as a public park; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the land conveyed by Ella N. Wooten to the City of Austin by deed dated August 30, 1948, be and the same is hereby accepted as a gift to the City of Austin and its people for public park purposes; and

BE IT FURTHER RESOLVED:

That in behalf of the people of Austin the City Council hereby tenders to Mrs. Wooten this expression of appreciation of the gracious and thoughtful

gift to the people of Austin in memory of her husband, the late Dr. Goodall H. Wooten, who through his long and useful life in the City of Austin was highly esteemed by the people of Austin and honored by their genuine affection for him as a man, a citizen, and a physician; and

BE IT FURTHER RESOLVED:

That in memory of the late Dr. Goodall H. Wooten the park area lying along Shoal Creek between 24th Street and 29th Street, including the 1.90 acres of land referred to above, be and the same is hereby designated and shall be known hereafter as "Goodall H. Wooten Park."

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the City of Austin hereafter named, and said maps or plans have been considered by the Department of Public Works; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

- (1) An underground telephone conduit in MANOR ROAD from Coleta Street easterly 111 feet, the centerline of which conduit shall be 7 feet north of and parallel to the south property line of said Manor Road.
- (2) An underground telephone conduit across MANOR ROAD at Coleta Street, the centerline of which conduit shall be 25 feet east of and parallel to the centerline of Coleta Street.

THAT the work and construction of said underground telephone conduit, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduit has been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None.

The City Manager submitted a memorandum from the Chief of Police recommending the installation of concrete channeling markers on South Congress

Avenue at Johanna Street for the protection of school children crossing South Congress Avenue at this intersection; and his approval of such recommendation. Councilman Johnson moved that the recommendations of the Chief of Police and the City Manager be approved, and the markers be installed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of ARTHUR WHITTINGTON, Colored, 701 West Monroe Street, for a license to operate as a taxicab a 1941 Model Fordor Ford Sedan, Motor No. 6330974, State License No. JE-4586, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of ERNEST FRANK WIGET, 304 East 11th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of GEORGE VERNON CARPENTER, 203 East Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of SYLVESTER STEWART, Colored, 2410 East 11th Street, for a taxicab driver's permit, recommended for denial, was submitted. Councilman Bartholomew moved that applicant be granted a 90-days probationary taxicab driver's permit. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of FAULKNER DRUG STORE NO.2, 2552 Guadalupe Street, by C. E. Faulkner and Raymond Toungeate, for a retail dealer's "On-Premise" beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The application of WADE'S PLACE, 120 Congress Avenue, by A. T. Wade, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The following applications for private boat licenses, duly approved by the Navigation Board, were submitted:

<u>Owner</u>	<u>Description</u>
Henze, Henry R. - 309 Moore Boulevard	Thompson, Skiff, 1942 Model, 3-passenger
Netherton, H.W. - 1412 Westover Road	Army, Outboard, 1943 Model, "Little Fiji", 6-passenger
Warren, Marguerite- 504 West 13th Street	Navy, Outboard, 1942 Model, "Joe", 6-passenger

Councilman Bartholomew moved that the licenses be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The following memorandum was submitted by the City Manager:

"September 8, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral, Director of Public Works

The final subdivision plat of Burney Resubdivision has been completed and was approved by the City Plan Commission on August 12, 1948. We have memoranda from water, sewer, gas, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations.

It is recommended that this plat be formally accepted by the City Council.

(Sgd) J. E. Motheral

Approved:

(Sgd) Guiton Morgan
City Manager

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Burney Resubdivision", approved by the City Plan Commission of the City of Austin on August 12, 1948, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

The following memorandum was submitted by the City Manager:

"September 8, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral , Director of Public Works.

The final subdivision plat of Pecan Orchard Subdivision has been completed and was approved by the City Plan Commission on August 12, 1948. We have memoranda from water, sewer, gas, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations.

It is recommended that this plat be formally accepted by the City Council.

(Sgd) J: E. Motheral

Approved:

(Sgd) Guiton Morgan
City Manager

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Pecan Orchard", approved by the City Plan Commission of the City of Austin on August 12, 1948, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
Noes : None

Councilman Johnson moved that W. A. Williamson be appointed as Clerk of the Corporation Court, to succeed O. P. Bonner, deceased. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
 Noes : None

Councilman Johnson moved that Jack N. Zivley be appointed as Assistant Clerk of the Corporation Court. The motion carried by the following vote:
 Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
 Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to execute a deed in behalf of the City of Austin, conveying to R. A. Short, for and in consideration of the payment by R. A. Short to the City of Austin of the sum of One Hundred Fifty Dollars (\$150.00) cash, a certain tract of land facing on East Side Drive and running from Monroe Street approximately 226 feet along the west side of said East Side Drive and adjoining property belonging to R. A. Short.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller
 Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby, authorized and directed to advertise for bids on the sale of bonds of the City of Austin at 10:00 A.M., October 7, 1948, which bonds were authorized for issuance by the electorate May 7, 1946, as follows:

Highway Rights of Way -----	\$ 340,000.00
Parks, Playgrounds and Recreation -----	100,000.00
Streets -----	103,000.00
Water Plant and System -----	<u>640,000.00</u>
	\$1,183,000.00

Advertisement for such bids shall be in the usual and customary forms and shall be published at least once in a newspaper of general circulation published in the City of Austin and in The Bond Buyer. The right shall be reserved to the City of Austin to reject any and all bids, and advertisements shall direct the filing of sealed bids to be opened by the City Council at its regular meeting at the time and on the date set forth above.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller

Noes : None

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: Tom Miller.
MAYOR

Attest:

Helene M. Keen

CITY CLERK